



# THE CITY OF HURON, OHIO

## HURON MUNICIPAL BUILDING

417 MAIN STREET  
P.O. BOX 468  
HURON, OHIO 44839

City Administration	433-5000
Building Inspector	433-3544
Division of Fire	433-3544
Division of Police	433-4114
FAX	433-5120
Area Code 419	

November 6, 2002

Ms. Molly Holt, Attorney-Advisor  
Office of the Assistant General Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1305 East-West Highway, Room 6111  
Silver Spring, MD 20910

Re: Barnes Nursery, Inc.  
Huron, Ohio

Dear Ms. Holt:

Thank you for allowing us the opportunity to comment on whether the State of Ohio's objection to Barnes Nursery Inc.'s proposed irrigation and habitat project should be overruled.

We have commented in the past about the positive impact that Barnes Nursery has had on our community, i.e., please refer to attached letter of December 3, 2001 to the Ohio EPA.

Due to the very nature of the Barnes family business, they, more so than most people, certainly understand the environment and the importance of the land upon which their nursery is located. They have always respected the environment and, in fact, have improved the environment with their proposed irrigation and habitat project. They should be allowed to continue with their plans to obtain water from Lake Erie to sustain their business.

One of the comments that opponents have made is that the Barnes project will damage the Sheldon Marsh located to the east of the Barnes Nursery property.

The marsh has been here for many years and has survived a two-lane concrete road being built through the middle of it in 1914 when the marsh was the first entrance for the Cedar Point Resort. The marsh has survived the construction of a federally-owned water pumping station in Lake Erie which supplies water through an underground line located along the easterly edge of the marsh to the Plum Brook Research Station, now known as NASA. The federal government has a road that runs over the line for access to their pump station. The



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December 3, 2001

Ms. Laura A. Fay  
Section 401 Coordinator  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, OH 43216-1049

Re: Barnes Nursery, Inc. Huron, Ohio  
401 Application No. 2000-02170(1)  
East Sandusky Bay, Ohio

Dear Ms. Fay:

As you review the above referenced Barnes Nursery Application, members of the Huron City Council feel it is important for you to consider the positive impact that Barnes Nursery has had on our community.

The Barnes family has always provided support to numerous clubs and civic organizations through generous donations of goods and services for community fundraisers, ads for community activities and yearbooks. They have assisted the City of Huron in accomplishing many projects such as working with our Shade Tree Commission to plant trees in our parks and public areas, sponsoring fireworks on the 4<sup>th</sup> of July to celebrate the birth of our great nation and providing for youth activities in our Parks & Recreation Dept.

Members of the Barnes family, as well as their employees, have served as members and leaders of community service and professional organizations. They have supported Church activities, civic functions and community events. They have always found the time to help the Huron Community in addition to participating in professional groups associated with the horticulture and nursery industry.

In 1991, with new rules set forth from the EPA that no longer allowed yard waste to be dumped into our landfills, Barnes Nursery invested hundreds of thousands of dollars into

a new venture and developed a yard waste facility as part of their business. They ventured into uncharted waters to develop and implement the facility they have today. Sharon Barnes has served as President of the U.S. Composting Council and travels worldwide lecturing on organics recovery in the U. S. composting industry. Barnes Nursery is considered a pioneer in the composting industry.

In 2001, ten years later, Barnes Nursery has diverted over 50,000 ton of yard waste from the landfill and accepts yard waste from an average of 110 cars per day during the peak spring season. Every year from April through December, all yard waste collected in the City is taken to the Barnes facility. In the fall, all leaves collected from Huron residents are taken to the Barnes facility. Other cities in this area also depend on the facility to accept their yard waste material.

As you can see, the impact that Barnes Nursery has on our economic well being is immeasurable. The ripple effect reaches far beyond our area and onto the State and national levels.

As the community depends on Barnes Nursery as a viable part of our fabric to survive, Barnes Nursery depends on Lake Erie to survive. Water is a vital part of their operation. The company's business has always been about enhancing the environment. They have installed a system on their property using lake water to irrigate their plant material using 350,000 gallons of water per day. About 60 percent of this water is collected and drawn back to the source where it can be used again. Lake levels are down which has precipitated this issue of water.

The Barnes Nursery operation lies adjacent to the open water area of the Sheldon Marsh State Nature Preserve. This has caused concern from environmentalists that the preserve will be damaged. On the other hand, many people have stated that the wetlands and marsh in East Sandusky Bay are being enhanced since Barnes partially restored water circulation in the East Bay.

There is no question that the Sheldon Marsh and surrounding nature preserve are extremely important and vital to our area. We have stated that Barnes Nursery is imperative to the economic health of this community.

We urge the Ohio EPA to work with other agencies in order to find a way for this project to co-exist in harmony without endangering the ecosystem.

November 13, 2002

Molly Holt, Attorney-Adviser NOAA  
Office of the Asst. General Counsel for Ocean Svcs.  
1305 East-West Highway Room 6111  
Silver Springs, MD 20910

Madame,

We are in total agreement with the Federal agencies, (U.S.Fish and Wildlife, USEPA etc.) who have recommended denial of any permit allowing the continued existence of the dike and channel in a category III top quality wetlands containing the **Sheldon Marsh State Nature Preserve**. This project by the Barnes Nursery is in the wrong place and has and will continue to impact, degrade, and damage this rare coastal wetland, which belongs to all the people of Ohio.

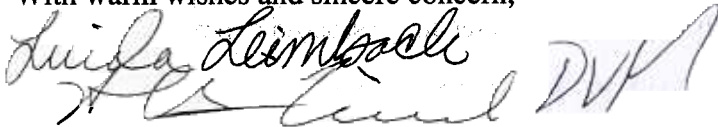
We are also in total agreement with Firelands Audubon Society which has retained Attorney Peter Precario to represent it in its intervention in the Barnes appeal of the Ohio EPA denial of the 401 Water Quality Permit. As Mr. Precario states: *"We hold no animosity toward the nursery who are a community asset, however, this dike and channel in a category III wetland cannot remain without undermining all wetland laws throughout the country."*

Please take a moment to review these facts:

- The rights and due process of the law were denied to the people of Ohio when Barnes built their project. There were no public info sessions, adjacent property owners were not notified, no period of scrutiny was allowed for the (erroneous) permit. The project is illegal and unauthorized and non-compliant.
- The artificial dike and deep water channel has created a double wall which is altering the natural function of the marsh's ecosystem and all of the natural resources it encompasses.
- Barnes Nursery has other alternatives to get the water they insist is the purpose of their project. These alternatives would not sacrifice the interests of the public to satisfy the greed of a few---The Sheldon Marsh State Nature Preserve is of national interest and needs to take priority over the needs of a private company.

Thank you for taking the time to review this situation and to act in the best interest of the people of this country. If left in place, this dike and channel would set a precedent undermining all wetland and coastal laws in the country. Please fight for the restoration of Sheldon Marsh to its original, pre-construction condition!

With warm wishes and sincere concern,



Dr. and Mrs. Harvey H. Leimbach  
49456 State Route 113  
Amherst, OH 44001-9726



*The Great Blue Heron*

## *Firelands Audubon Society*

ERIE COUNTY  
&  
HURON COUNTY  
**OHIO**

*On Lake Erie*

November 20, 2002

Molly Holt, U.S. Department of Commerce (NOAA)  
1305 East-West Highway, Room 6111  
Silver Spring, MD 20910

Re: Sheldon Marsh State Nature Preserve  
Barnes Nursery  
Erie County, Huron, OH 44839

Dear Molly Holt:

I am writing to support the State of Ohio's denial of Coastal Consistency of the Barnes Nursery project, including the dike and channel illegally dug in Sheldon Marsh wetland complex in July 2000.

In no way does the Barnes project satisfy the requirements of the Coastal Zone Management Act. The Barnes activity has **NOTHING** to do with national interest. This project in a Category III wetland has adverse effects on the health of this wetland and is contributing to the degradation of the wetland, interfering with the beneficial functions of the wetland as it was prior to the illegal digging. This wetland area is one of the last remaining naturally functioning wetlands along the shore of Lake Erie.

If the proper agencies had been consulted in the Barnes initial planning stages, all of the activities would not have taken place. But now we have an illegal channel which syphons water from the Sheldon Marsh State Nature preserve, there is runoff from the dike which has caused pollution, destruction of aquatic habitat is evident, invasive vegetation is increasing. All of this harms wildlife, but most importantly disrupts the natural water filtration system of the marsh which is necessary to purify our lake drinking water.

There are other alternatives for Barnes to get water for the nursery operation. Apparently they chose not to explore these in depth.

If denial does not take place, a precedent will have been established that will have **NATIONAL** impact. Protecting valuable wetlands has been a difficult process nation-wide. Let's not go back to ruining those important assets we have left.

Sincerely,

Dorothy Koonfz, President Firelands Audubon Society  
740 Chestnut Lane, Huron, OH 44839  
419-433-2883